

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference DF0511330P	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/CN2006/000204	International filing date ( <i>day/month/year</i> ) 06 February 2006 (06.02.2006)	Priority date ( <i>day/month/year</i> ) 06 February 2005 (06.02.2005)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant HUAWEI TECHNOLOGIES CO., LTD.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 07 August 2007 (07.08.2007)
Facsimile No. +41 22 338 82 70	Authorized officer  <div style="text-align: center; font-weight: bold;">Nora Lindner</div> e-mail: pt02.pct@wipo.int

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

SONG Zhiqiang WANG Qi

DEQI INTELLECTUAL PROPERTY LAW CORPORATION

7F, Xueyuan International Tower, No. 1 Zhichun Road,  
Haidian District, Beijing 100083, P.R.China

## PCT

WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY

(PCT Rule 43 *bis*.1)

Date of mailing  
18 MAY 2006 (18 - 05 - 2006)  
(day/month/year)

Applicant's or agent's file reference

**DF0511330P**

**FOR FURTHER ACTION**

see paragraph 2 below

International application No.

**PCT/CN2006/000204**

International filing date (day/month/year)

**06. Feb. 2006 (06. 02. 2006)**

Priority date (day/month/year)

**06. Feb. 2005 (06. 02. 2005)**

International Patent Classification (IPC) or both national classification and IPC

**See supplemental box**

Applicant

**HUAWEI TECHNOLOGIES CO., LTD. ET-AL**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CN

The State Intellectual Property Office, the  
P.R.China 6 Xitucheng Rd., Jimen Bridge,  
Haidian District, Beijing, China 100088  
Facsimile No. 86-10-62019451

Date of completion of this opinion

**18. Apr. 2006 (18. 04. 2006)**

Authorized officer

**WANG Zhiwei**

Telephone No. 86-10-62084532

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
**PCT/CN2006/000204**

**Box No. I**    **Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper  
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed  
☐ filed together with the international application in electronic form  
☐ furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/CN2006/000204**

**Box No. V** Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims	1-8	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-8	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims	None	NO

2. Citations and explanations

The documents cited in this International Search Report:

D1: KR 2003001635 A

D2: KR 2002096752 A

D3: CN 1394053 A

D4: KR 2002032937 A

Claim 1 requests for an implementing method of binding the working label switched path with the protection label switched path. The different features compared with claim 1 in the prior art are that: ***PSL transmits the first message including the binding information to PML, to demand setting up the protection LSP for the working LSP; PML assigns the label for the protection LSP based on the first message, and returns the second message carrying the binding information; after PSL receiving the second message, it binds the working LSP with the protection LSP based on the binding information, and transmits the notification message carrying the binding information to PML; PML binds the working LSP with the protection LSP based on the binding information in the notification message.*** There are not the same technical proposals described in the above documents 1-4, so claim 1 is novel compared with the prior art, and complies with the PCT 33(2). And thus its corresponding dependent claims 2-8 have a novelty under PCT Article 33(2).

Those skilled in the art cannot achieve the technology schemes of claim 1 from the teaching of the prior art represented by D1, D2, D3 and D4, considered individually or in combination. So claims 1-8 are not obvious compared with the prior art, and do comply with the PCT 33(3), that is, have the inventive step.

Claims 1-8 have industrial applicability under PCT Article 33(4), because the technology schemes claimed can be made or used in the industry.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
**PCT/CN2006/000204**

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of : International Patent Classification (IPC) or both national classification and IPC

**H04L 12/24 (2006.01) i**

**H04L 29/06 (2006.01) n**